

DEPARTMENT OF PLANNING AND PERMITTING  
CITY AND COUNTY OF HONOLULU

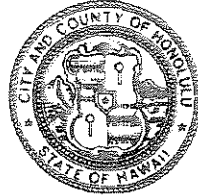
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2008 JUN 20 P 2:54

MUFI HANNEMANN  
MAYOR

CITY COUNCIL  
HONOLULU, HAWAII



June 16, 2008

HENRY ENG, FAICP  
DIRECTOR

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DAVID K. TANOUE  
DEPUTY DIRECTOR

CITY COUNCIL  
HONOLULU, HAWAII

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The Honorable Ann Kobayashi, Chair  
and Members of the Executive Matters Committee  
Honolulu City Council  
530 South King Street, Room 202  
Honolulu, Hawaii 96813

Dear Chair Kobayashi and Councilmembers:

Subject: Bill 10, CD-2 – Relating to Transit-Oriented Development

As a result of the Executive Matters Committee discussion on May 14, 2008 on the subject bill, we wish to reaffirm our serious concern over the provisions of proposed CD-2 to Bill 10.

CD-2 among other things:

1. Places new TOD districts in Chapter 13. Our concern is that this does not comply with Council's recently adopted Ordinance 06-50, which requires that TOD regulations be an amendment to the LUO. Either Ordinance 06-50 must be amended or compliance with it remains outstanding.
2. Its placement in Chapter 13 also raises serious questions about the relationship between the new districts and the existing LUO, essentially creating duplicative regulations governing the use of land. TOD districts appear to be designed to regulate land uses, and we believe, therefore, that by Charter must be placed in the LUO and subject to Charter provisions for processing.
3. The implementation of the proposed TOD District concept needs some clarification as to how they will be adopted. Section 3 of the bill states the City Council shall adopt TOD districts by ordinance. However, Section 5 of proposed CD-2 states, "After adoption of the neighborhood plan by the council, no further action by council shall be necessary to implement requirements set forth for the TOD districts." There seems to be an inconsistency in these two sections.
4. Provides for Neighborhood Board transmittal of TOD plans to the Planning Commission. The Neighborhood Board is advisory and has no staff to prepare TOD plans. In addition, we believe that zoning amendments by Charter can be initiated only by the DPP and the Council. Thus, CD-2 conflicts with the Charter.

5. Indicates that hotels shall be permitted in all TOD districts. Policies regarding the location of visitor accommodations are set forth in the General Plan and addressed in more detail in the regional Development Plans. We believe that amendments to the General Plan and Development Plans are required before the hotel provision can be adopted.
6. Provides for reduced parking requirements for all TOD districts. This assumes, incorrectly, that reduced parking across the board is always appropriate in TOD districts. It also fails to account for areas where development occurs in advance of rapid transit in which case reduced parking would create severe shortages.
7. The proposed new TOD districts appear to be de facto zoning regulations. As such, CD-2 provides for Planning Commission timetables, which are in conflict with provisions of the Charter in Section 6-1513. This finding was, in effect, affirmed by DPP's COR representative, as well as the Council's COR representative.

In addition, much discussion occurred as to the need for and benefits of full community participation in the process of developing TOD Neighborhood Plans. We are, therefore, puzzled by the deletion, from the CD-1 version, of provisions which assure full community participation. These include:

1. The planning process shall be inclusive, open to residents, businesses, landowners, community organizations, government agencies, and others.
2. The plan shall be consistent with any applicable special area plan or community master plan or make recommendations for revisions to these plans.
3. Design controls that require human-scale architectural elements at the ground and lower levels of buildings.
4. Recommend zoning controls, including architectural and community design principles, open space requirements, parking standards, and other modifications to existing zoning requirements or the establishment of new zoning precincts, as appropriate, including density incentives. Form-based zoning may be considered. Prohibition of certain uses shall be considered.

By taking the effort to delete these provisions, it appears that the City Council is taking the position that a community-based planning process, and encouraging and assuring pedestrian-friendly designs in TOD are optional, not mandatory.

There was also discussion on the timing of the TOD plans. Let me take this opportunity to share our thinking on this issue. We must underscore how virtually impossible it is to complete plans for all 34 stations by 2011. In addition, we do not believe it is necessary to do so. We are already addressing the most critical station areas. First, we expect to complete the first TOD plan this year, and submit it to City Council for acceptance. This plan will cover the two transit stations in Waipahu.

Second, we are in discussions with D. R. Horton-Schuler to develop a public-private partnership in developing the East Kapolei TOD plan. This could cover the first three stations of the "First Project" of the High-Capacity Corridor.

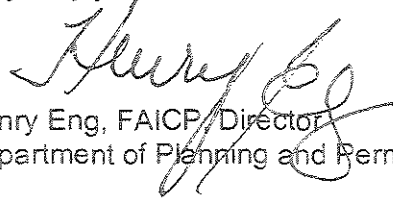
Third, we are hiring a consultant to cover other stations within the "First Project." The exact neighborhoods to be selected will, in part, be determined by community interest, market interest, and redevelopment potentials.

While these initiatives could be completed by 2010, this would still leave more than half the station areas without a plan by then. To complete this mission, we would need funding for \$4-6 million in consultant contracts and, perhaps, significant redirection of staff resources.

Lastly, there appears to be general public confusion between planning for the transit stations themselves and TOD planning. Perhaps, the City Council can assist us in reinforcing the fact that the station location and design are NOT part of the TOD planning process, but part of the DTS' rapid transit program. The lack of acceptance of this differentiation – no matter how perplexing – is diverting discussions from the tasks at hand.

In summary, we ask that proposed CD-2 be filed and that Bill 10, CD-1, be passed Third Reading with amendment to the deadline date by which TOD Neighborhood Plans must be completed from 2010 to 2015.

Very truly yours,



Henry Eng, FAICP, Director  
Department of Planning and Permitting

APPROVED:



Wayne M. Hashiro, P. E.  
Managing Director